

Message Text

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ORIGIN ARA-14

INFO OCT-01 ISO-00 SNM-05 DEAE-00 AID-05 L-03 MED-02
/030 R

DRAFTED BY GC:JFINK:JO
APPROVED BY S/NM/TSD:JHLINNE MANN
S/NM:HWGROOM
S/NM:MCHESHES
ARA/RPP:EPERAULT
S/NM:RGIBSON (INFO)
ARA/AND:DCOX (INFO)
S/NM:DSOHLIN (INFO)
AID/SER/INC:MEWAMPLER

-----063198 110139Z /63

P 102324Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA PRIORITY

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E.O. 11652: N/A

TAGS: SNAR

SUBJECT: HELICOL INSURANCE

REF: STATE 043234

1. WE STILL AWAIT RECEIPT OF INFORMATION REQUESTED
ABOVE REF.

2. HAVE NOW HAD TRANSLATED INSURANCE POLICIES EARLIER
TRANSMITTED AND REFERRED TO IN ABOVE REF PARA ONE THIS
CONSISTED OF FOUR SEPARATE DOCUMENTS (1) REINSURANCE
COVER NOTE ISSUED BY LONDON UNDERWRITERS TO HELICOL
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UNDERWRITERS SEGUROS LA FENIX DE COLOMBIA SA AND ASSOCIATED
COMPANIES AS SPECIFIED IN (2) CERTIFICATE OF INSURANCE
ISSUED TO HELICOL FOR POLICY 18-1422 FOR AIRCRAFT
LIABILITY INSURANCE COVERING GRANT PROVIDED AIRCRAFT.
(3) POLICY NO 18-1292B, AIRCRAFT LIABILITY INSURANCE
ISSUED BY COLOMBIAN UNDERWRITERS WHICH EXPIRED MAY 31,
1977 BUT PROBABLY CONTAINS PRINCIPAL TERMS APPLICABLE TO

INSURANCE REFERRED TO IN (2) AND (4) POLICY NO 05-3095,
A PERSONAL ACCIDENT INSURANCE POLICY COVERING HELICOL
EMPLOYEES GENERALLY WHICH EXPIRED DECEMBER 29, 1976.

3. THE PERSONAL ACCIDENT POLICY DOES NOT APPLY BECUASE
IT HAS EXPIRED BUT EVEN IF RENEWED AND IN EFFECT ON DATE
OF INJURY TO HELICOL PILOT WOULD NOT APPLY BECAUSE
EXCLUSION 1B ELIMINATES INJURY TO PERSONNEL WHILE
SERVING AS A CREW MEMBER.

4. AIRCRAFT LIABILITY POLICY NO 18-1292B ONLY COVERS
CREW INJURY MEDICAL EXPENSE UP TO USDOL 5000 AND
SPECIFICALLY EXCLUDES UNDER EMPLOYER LIABILITY COVERAGE
1E LIABILITY FOR INJURY OR DAMAGES RELATED TO INSURANCE
ESTABLISHED BY LABOR LAW OR CODES SUCH AS OBLIGATORY
GROUP LIFE INSURANCE, WORK ACCIDENT INSURANCE, SOCIAL
INSURANCE, OR ANY SIMILAR COVERAGE WHICH, EVEN THOUGH
EXTRALEGAL, HAVE BEEN AGREED UPON BETWEEN THE EMPLOYER
AND THE WORKER. ALTHOUGH THIS POLICY HAS EXPIRED IT IS
ASSUMED THAT POLICY 18-1422 FOR WHICH CERTIFICATE OF
INSURANCE FURNISHED WOULD CONTAIN SAME TERMS AND
CONDITIONS. THIS IS MORE OR LESS IMPLIED IN THE COVER
NOTE ISSUED BY THE LONDON REINSURANCE UNDERWRITERS.BASED
ON THE OPINION EXPRESSED IN THIS PARAGRAPH HELICOL HAS
ONLY INSURED USDOL 5000 FOR CREW MEDICAL EXPENSE UNLESS
CROSS LIABILITY PROVISION APPLICABLE AS STATED IN STATE
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043234 PARA TWO.WE NOTE PARA 12 OF POLICY NO 18-1292B
IF CONTAINED IN POLICY NO 18-1422 WOULD HAVE THAT EFFECT
IF CLAIM MADE BY INJURED EMPLOYEE AND WE RECOMMEND THAT
BE CONSIDERED AS POTENTIAL METHOD OF RECOVERY BY
HELICOL UNDER POLICY IF COLOMBIAN GOVERNMENT DEEMED
LIABLE UNDER COLOMBIAN LAW.

5. THE INFORMATION FURNISHED FURTHER INDICATES THAT THE
FIXED WING AIRCRAFT BEING USED UNDER CONTRACT AND PROVIDED
BY THE COLOMBIAN GOVERNMENT ARE NOT COVERED BY ANY OF
THE POLICIES SUBMITTED AND EXAMINED. QUERY ARE THESE
AIRCRAFT COVERED UNDER ANOTHER POLICY?

6. RECOMMEND (1) CLEAR TEXT THIS CABLE BE MADE AVAILABLE
TO HELICOL FOR CONSIDERATION. (2) ALSO THAT HELICOL
ARRANGE NECESSARY COVERAGE OF CONTRACT ASSIGNED HELICOL
PERSONNEL TO INSURE COVERAGE FOR WORKMENS COMPENSATION
PURSUANT TO COLOMBIAN LAW AS WELL AS ANY AGREED EMPLOYER
EMPLOYEE CONTRACT LIABILITY. THIS MAY INCREASE PREIMUM
COST BUT IS PREFERABLE TO POTENTIAL OTHER INCREASED
CONTRACT COST WHICH MIGHT ARISE. SUCH ACTION ALSO
REQUIRED TO MEET TERMS OF WAIVER OF DEFENSE BASE ACT

COVERAGE AS SPECIFIED IN WAIVER COPIES ALREADY IN FILE
AND MADE AVAILABLE TO HELICOL. ASSUMING POLICY NO
18-1292B TERMS SAME AS POLICY NO 18-1422 COVERAGE E

"EMPLOYER LIABILITY" WOULD NEED TO BE REVISED AS WOULD
COVERAGE H "MEDICAL EXPENSES FOR CREW MEMBERS AND OR
PASSENGERS". (3) RECOMMEND COVERAGE OF FIXED WING
AIRCRAFT ASSIGNED TO CONTRACT IF NO COVERAGE EFFECTED.
(4) ALSO RECOMMEND CONSIDERATION BE GIVEN TO REQUIRED
COVERAGE OF CALL TYPE AIRCRAFT THRU SOME DEVICE WHEN USED
UNDER CONTRACT AS UNDERSTOOD HAS OCCURED FROM TIME TO
TIME WHETHER THESE BE FURNISHED BY HELICOL OR OTHERS.
HOWEVER, NOT PREPARED AT THIS POINT TO STATE HOW
THIS CAN BE BEST HANDLED, COSTED AND COST RECOVERED BY
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HELICOL. SUGGEST HELICOL MAKE PROPOSAL THEY CONSIDER
BEST MEETS REQUIREMENTS AND WE BE ADVISED. VANCE

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NNN

Message Attributes

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